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11 Counsel for Defendant TOLENTINO  
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17 IN THE UNITED STATES DISTRICT COURT  
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19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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21 UNITED STATES OF AMERICA, ) No. CR 07-00308 CRB  
22 Plaintiff, )  
23 v. ) **STIPULATION AND [PROPOSED]**  
24 FRANK TOLENTINO, ) **ORDER TO CONTINUE HEARING**  
25 Defendant. )  
26

27 Defendant and the government, through their respective counsel, hereby stipulate that,  
28 subject to the court's approval, the sentencing hearing in the above-captioned matter, presently  
29 scheduled for Wednesday, February 13, 2008, be continued to Wednesday, April 9, 2008. The  
30 reason for the continuance is the plea agreement contemplates a safety-valve sentence below the  
31 five-year mandatory minimum, however Mr. Tolentino has one prior state conviction. Defense  
32 counsel recently learned that there is a reasonable likelihood that the prior conviction will be  
33 expunged. He is working with the San Francisco Public Defender to accomplish this and has  
34 been informed that the process normally takes thirty to ninety days.  
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37 STIPULATION AND [PROPOSED] ORDER  
38 TO CONTINUE HEARING;  
39 U.S. v. Frank Tolentino No. CR 07-00308 CRB

1 All parties, including the probation officer, are available on the requested date.

2 IT IS SO STIPULATED:

3 Dated: February 7, 2008

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/S/  
RONALD C. TYLER  
Assistant Federal Public Defender

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6 Dated: February 7, 2008

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/S/  
KIRSTIN AULT  
Assistant United States Attorney

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**[PROPOSED] ORDER**

10 GOOD CAUSE APPEARING, it is hereby ORDERED that the sentencing hearing in the  
11 aforementioned matter currently set for February 13, 2008, shall be continued to April 9, 2008.

12 **IT IS SO ORDERED.**

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Dated: \_\_\_\_\_

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THE HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT JUDGE

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STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE HEARING;

*U.S. v. Frank Tolentino* No. CR 07-00308 CRB